

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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CLERK OF DISTRICT COURT
MIDDLE DISTRICT OF ALA

DAVID DAVIS,

Plaintiff,

vs.

PHENIX CITY, ALABAMA, et al.

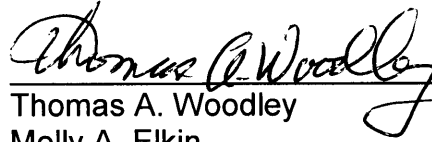
Defendants.

CIVIL ACTION NO. 3:06-cv-00544-~~VPM~~ WHA

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Rule 56(a) and (c) of the Federal Rules of Civil Procedure, plaintiff David Davis respectfully submits this motion for partial summary judgment with respect to defendants' liability for violations of his constitutional rights to free speech (Count I) and free association (Count II) under the First and Fourteenth Amendments, and regarding defendants' liability for violations of his rights to freely associate and to present proposals protected under the Alabama State Code, §11-43-143(b), (Count III).. Plaintiff has filed a brief in support of this motion together with the sworn Declaration (with attached exhibits) of Plaintiff Davis and the Declaration of Thomas H. Malone, Jr.. In addition, plaintiff has submitted the depositions of City officials including City Manager H.H. Roberts, Mayor Jeffrey Hardin, Personnel Director Barbara Goodwin, Fire Chief Wallace Hunter and Deputy Chief Roy Waters.

Respectfully submitted,



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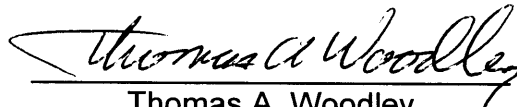
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FOR THE MIDDLE DISTRICT OF ALABAMA
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DAVID DAVIS,)	
)	
Plaintiff,)	
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vs.)	CIVIL ACTION NO. 3:06-cv-00544-VPM
)	
PHENIX CITY, ALABAMA, <u>et al.</u>)	Judge W. Harold Albritton
)	
Defendants.)	
_____)	

CERTIFICATE OF SERVICE

This is to certify that one true and accurate copy of the following documents:
Plaintiff's Motion for Partial Summary Judgment; Plaintiff's Memorandum of Points and
Authorities in Support of Plaintiff's Motion for Partial Summary Judgment; Declaration of
David Davis with Exhibits; Declaration of Thomas H. Malone, Jr.; and Depositions of
Defendants Wallace Hunter, H.H. Roberts, and Jeffrey Hardin, and Depositions of Roy
Waters, and Barbara Goodwin, was served on the following counsel for defendants on
this 23rd day of April, 2007 via First Class Mail, postage prepaid:

Joshua Robert McKoon
McKoon, Thomas, & McKoon
925 Broad Street
P.O. Box 3220
Phenix City, AL 36868


Thomas A. Woodley
Attorney for Plaintiff